

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRANDILYN AND SCOTT WILSON

Case No. 06-14957

Plaintiffs,

Honorable Patrick J. Duggan

v.

HSBC BANK,

Defendant.

/

**ORDER DENYING PLAINTIFFS' (1) MOTION TO REMOVE CASE FROM NO  
PROGRESS CALENDAR AND (2) MOTION TO PLACE DEFENDANT IN  
DEFAULT AND INJUNCTIVE RELIEF AND FINAL ORDER**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District of  
Michigan, on February 23, 2007.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

Plaintiffs filed this action against Defendant in the Circuit Court of Genesee County, Michigan, alleging that Defendant wrongfully foreclosed on Plaintiffs' property. Defendant removed Plaintiffs' Complaint to federal court on November 3, 2006, and filed an Answer to the Complaint on February 12, 2007. In the interim, on January 23, 2007, the parties appeared before this Court for an initial scheduling conference, at which time the Court entered a Scheduling Order. Presently before the Court are the following motions filed by Plaintiffs on February 9, 2007: (1) "Motion to Remove Case From No

Progress Calendar" and (2) "Motion to Place Defendant in Default and Injunctive Relief and Final Order."

With respect to the first motion, this matter is not on a "no progress calendar." In fact, this Court does not maintain a "no progress calendar." With respect to the second motion, at this juncture, Defendant has filed an Answer to Plaintiffs' complaint. Accordingly there is no basis for entering a default judgment against Defendant. *See* FED. R. CIV. P. 55.

Accordingly,

**IT IS ORDERED**, that Plaintiffs' Motion to Remove Case From No Progress Calendar is **DENIED**;

**IT IS FURTHER ORDERED**, that Plaintiffs' Motion to Place Defendant in Default and Injunctive Relief and Final Order is **DENIED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

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